

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

COLOR WORLD, LLC, :
Plaintiff :
: Case No. 2:09-cv-00505
v. :
: Honorable Joel H. Slomsky
SMARTHEALTH, INC., :
SMARTPRACTICE, INC. and :
MEDISAFE TECHNOLOGIES, :
Defendants :
:

**DEFENDANTS SMARTHEALTH, INC. AND SMARTPRACTICE'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Fed. R. Civ. P. 12(b)(6) and Local Rule 7.1, Defendants SmartHealth, Inc. and SmartPractice (collectively "SmartHealth"), by undersigned counsel, hereby move this Court for an order dismissing Plaintiffs' Complaint with prejudice.

In support of this motion, SmartHealth submits the accompanying Brief and Declaration setting forth the grounds for the relief requested.

Respectfully submitted,

POST & SCHELL, P.C.

Dated: May 8, 2009

BY: /s/ John W. Dornberger
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Attorneys for Defendants,
SmartHealth, Inc. and SmartPractice

CERTIFICATE OF SERVICE

I, JOHN W. DORNBURGER, ESQUIRE, counsel for Defendants, SmartHealth, Inc. and SmartPractice (“Defendants”), hereby certify that I have this day caused the ***Motion of Defendants to Dismiss Plaintiff's Complaint, supporting Brief, Declaration and proposed Order*** to be electronically filed through the ECF system with the Court, which, in turn, electronically served all these documents on Plaintiff's counsel at the e-mail address below and have caused the publically available documents referenced in the ***Declaration*** to be served on Plaintiff's counsel via electronic mail at the e-mail address below and via U.S. First Class Mail, postage prepaid, to the mailing address below:

Timothy D. Pecsenye, Esquire
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POST & SCHELL, P.C.

/s/ John W. Dornberger
JOHN W. DORNBURGER, ESQUIRE

Dated: May 8, 2009